

Fred Lomayesva, General Counsel (#013729)
Amy Mignella, Deputy General Counsel (#016264)
Hopi Tribe Office of General Counsel
P.O. Box 123
Kykotsmovi, AZ 86039
(928)613-1033
flomayesva@hopi.nsn.us
amignella@hopi.nsn.us

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION OF TUCSON
ELECTRIC POWER COMPANY FOR THE
ESTABLISHMENT OF JUST AND REASONABLE RATES
AND CHARGES DESIGNED TO REALIZE A REASONABLE
RATE OF RETURN ON THE FAIR VALUE OF PROPERTIES
OF TUCSON ELECTRIC POWER COMPANY DEVOTED
TO ITS OPERATIONS THROUGHOUT THE STATE OF
ARIZONA AND FOR RELATED APPROVALS.

DOCKET NO. E-01933A-22-0107

**HOPI TRIBE
MOTION TO COMPEL**

The Hopi Tribe (“Hopi” or “Tribe”) hereby seeks that the court direct Tucson Electric Power (“TEP” or “company”) to provide an official transcript copy of this proceeding for the Tribe’s use as a litigant.

As a party to this matter, Hopi has standing to fully participate. The record establishes and the company does not dispute that the Tribe’s interests in the case refer entirely to its economic losses suffered as a result of the early, permanent closure of Navajo Generating Station, a facility formerly owned in part by TEP. Furthermore, the Tribe’s economic interest is a designated thread of the rate proceeding, identified as “CCT” or coal-community transition. Transcripts are a standard component of most court proceedings; in their absence, audio recordings customarily substitute. This documentation of live testimony and directions of the presiding judge are fundamental to and part of the complete legal record in a legal proceeding.

1 As a result, a lack of access to such detail introduces disadvantage. And when record access is
2 predicated entirely on payment of thousands of dollars in fees, access disadvantage becomes
3 economic bias. Only consistent with its established profile in this matter, the Tribe cannot
4 expend thousands of dollars (even in excess of \$10,000 by estimate) on official transcripts in this
5 case. There was no such need in the prior rate-setting matter before the Commission that
6 addressed CCT and accordingly Hopi had no reason to anticipate the requirement here. In that
7 prior instance, at the outset of the proceeding the court directed the rate-requesting utility
8 (Arizona Public Service) to arrange for transcripts at no cost to any party interest. No difficulty
9 with that was ever noted in the proceeding, including no reference whatsoever to copyright
10 infringement. It is also Hopi's understanding that the Commission provides transcripts to party
11 interests at no cost in all line siting matters so, again, copyright considerations cannot be
12 preclusive. There is no procedural basis here, then, to create a distinct financial threshold
13 requirement in order for Hopi to maintain its equal records footing to other parties that are
14 financially able to pay.
15

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17
18 The Tribe has here structured its request as a motion to compel the rate-requesting
19 company to provide full transcript access as that was already done in the prior rate case that
20 included the CCT issue; but any no-cost method the court selects to accomplish the same result
21 will resolve the Tribe's challenge.
22

23 Finally, the Hopi Tribe supports comprehensive resolution of this issue such that
24 Commission transcripts are available to all as a no-cost public record. The Tribe prays that its
25 request herein leads to that broader resolution.
26

27 Respectfully submitted this Wednesday, April 12, 2023.
28

1 By: /s/ Amy Mignella
2 Amy Mignella

3 Hopi Tribe
4 Office of General Counsel
5 P.O. Box 123
6 Kykotsmovi, AZ 86039

7
8 **CERTIFICATE OF SERVICE**

9 ORIGINAL electronically filed this 12th day of April, 2023 with:

10 Docket Control
11 Arizona Corporation Commission
12 1200 W. Washington St. Phoenix, AZ 85007

13 I hereby certify that I have, on this 12th day of April, 2023, served these documents on all parties
14 of record in this proceeding, as identified on the service list attached at the end of this filing and
15 in the manner identified as acceptable by each.

16 /s/ Amy Mignella
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27
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Adam Stafford
Western Resource Advocates
1429 N. 1st Street, Suite 100
Phoenix AZ 85004

adam.stafford@westernresources.org

Consented to Service by Email

Amy Mignella
HOPI TRIBE
P.O. Box 123
Kyktsmovi AZ 86039

amignella@hopi.nsn.us

flomayesva@hopi.nsn.us

Consented to Service by Email

Autumn Johnson
AriSEIA and SEIA
7144 E. Stetson Drive
Scottsdale AZ 85251

autumn@ariseia.org

Consented to Service by Email

Cavender C. Kimble
BALCH & BINGHAM, LLP
919 Congress Ave., Ste. 840
Austin TX 78701

tkimbrough@balch.com

ckimble@balch.com

Consented to Service by Email

Chanele N. Reyes
Attorney
352 E. Camelback Rd.
Suite 200
Phoenix AZ 85012

chanele@aclpi.org

Consented to Service by Email

Court Rich
Rose Law Group pc
7144 E Stetson Drive
Suite 300
Scottsdale AZ 85251

CRich@RoseLawGroup.com

ehill@roselawgroup.com

hslaughter@roselawgroup.com

Consented to Service by Email

Daniel Pozefsky
RUCO
1110 West Washington, Suite 220
phoenix AZ 85007

dpozefsky@azruco.gov

rdelafuente@azruco.gov

procedural@azruco.gov

czwick@azruco.gov

Consented to Service by Email

Gregory Adams
Richardson Adams, PLLC
515 N 27th St
Boise ID 83702

greg@richardsonadams.com

Consented to Service by Email

James Corbin
617 N. LOQUAT AVE.
TUCSON AZ 85710

jamescorbin13@msn.com

Consented to Service by Email

Jason Mullis
Wood Smith Henning Berman, LLP
2525 E. Camelback Road, Ste. 450
Phoenix AZ 85016

jmullis@wshblaw.com

Consented to Service by Email

Karen S White
2320 Dragonfly Lane
Panama City FL 32450

Kurt J. Boehm
Boehm, Kurtz & Lowry
36 E. Seventh St. Suite 1510
Cincinnati OH 45202

jkylercohn@BKLawfirm.com

kboehm@bkllawfirm.com

Consented to Service by Email

Kyle Smith
The United States Department of Defense and all other
Federal Executive Agencies
9275 Gunston Road
JALS-ELD
Fort Belvoir VA 22060

kyle.j.smith124.civ@army.mil

Consented to Service by Email

Louisa Eberle
SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
2101 Webster Street, Suite 1300
Oakland CA 94612

rose.monahan@sierraclub.org

maddie.lipscomb@sierraclub.org

louisa.eberle@sierraclub.org

patrick.woolsey@sierraclub.org

Consented to Service by Email

Melissa M. Krueger
Pinnacle West Capital Corporation
400 North 5th Street, MS 8695
Phoenix AZ 85004

Ashley.Kelly@aps.com

elizabeth.lawrence@aps.com

Jeffrey.Allmon@pinnaclewest.com

Theresa.Dwyer@pinnaclewest.com

Melissa.Krueger@pinnaclewest.com

Consented to Service by Email

Michael Patten
SNELL & WILMER
400 East Van Buren
Phoenix AZ 85004

docket@swlaw.com

jthomes@swlaw.com

bcarroll@tep.com

mpatten@swlaw.com

Consented to Service by Email

Nicholas Enoch
LUBIN & ENOCH, P.C.
349 N. Fourth Ave.
Phoenix AZ 85003

nick@lubinandenoch.com

cristina@lubinandenoch.com

clara@lubinandenoch.com

morgan@lubinandenoch.com

Consented to Service by Email

Patrick J. Black
FENNEMORE CRAIG, PC
2394 E. Camelback Road
Suite 600
Phoenix AZ 85016

LFerrigni@fennemorelaw.com

pblack@fclaw.com

khiggins@energystrat.com

PBlack@fennemorelaw.com

Consented to Service by Email

Robert J. Metli
Munger Chadwick & Denker, PLC
2999 North 44th Street, Suite 130
Phoenix AZ 85018

rjmetli@mcdplc.com

wjerald@calportland.com

Consented to Service by Email

Robin Mitchell
Arizona Corporation Commission
1200 West Washington St.
Legal Division
Phoenix AZ 85007

legaldiv@azcc.gov

utildivservicebyemail@azcc.gov

Consented to Service by Email

Timothy M. Hogan
ARIZONA CENTER FOR LAW IN THE PUBLIC
INTEREST
352 E. Camelback Rd., Suite 200
Phoenix AZ 85012

thogan@aclpi.org

Consented to Service by Email

Vicki Baldwin
Parsons Behle & Latimer
201 South Main Street
Suite 1800
Salt Lake City UT 84111

vbaldwin@parsonsbehle.com

Consented to Service by Email